

Protected Disclosures Policy



1. Scope

- 1.1. This policy applies to all Pacific Edge ("Pacific Edge") directors, employees and contractors (collectively "Workers"), and former employees and contractors.

2. Introduction and purpose

- 2.1. This policy complies with the requirements of the Protected Disclosures Act 2000 (Act), which has the objectives of:
 - a. promoting the public interest by facilitating the disclosure and investigation of matters of serious wrongdoing (see "Definitions") in or by an organization.
 - b. protecting complainants who make disclosures of serious wrongdoing in good faith in an organisation from victimisation or reprisals.

3. Definitions

- 3.1. **Appropriate Authority** includes the Commissioner of Police, the Auditor-General, the Director of the Serious Fraud Office, the Inspector-General of Intelligence and Security, an ombudsman, the Parliamentary Commissioner for the Environment, the Police Complaints Authority, the Solicitor-General, the Public Service Commissioner and the Health and Disability Commissioner.

4. Making a protected disclosure

- 4.1. A Worker, former employee or contractor (the complainant) of Pacific Edge may make a "Protected Disclosure" if:
 - a. the information is about a serious wrongdoing by Pacific Edge;
 - b. the complainant believes on reasonable grounds that the information disclosed is true or likely to be true;

- c. the complainant wishes the serious wrongdoing to be investigated; and
- d. the complainant wishes the disclosure to be protected.

5. Disclosure procedure

- 5.1. Disclosure about a serious wrongdoing must be made to the Chief Executive Officer (CEO). Under the Act, serious wrongdoing includes:
 - a. unlawful, corrupt, or irregular use of public funds or public resources
 - b. an act, omission, or course of conduct that:
 - is a serious risk to public health or public safety or the environment, or
 - is a serious risk to the maintenance of law, including the prevention, investigation and detection of offences and the right to a fair trial, or constitutes an offence
 - c. an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or which constitutes gross mismanagement.
- 5.2. If the complainant believes the CEO is involved in the serious wrongdoing, or disclosure to the CEO is not appropriate by reason of any relationship or association between the CEO and a person who may be involved in the serious wrongdoing, the disclosure should be made to the Chairperson of the Board of Directors (Chairperson).
- 5.3. If the complainant believes that the Chairperson is involved in the wrongdoing, or disclosure to the Chairperson is not appropriate by reason of any relationship or association between the Chairperson and a person who may be involved in the serious wrongdoing disclosure may be made to an "Appropriate Authority" (see "Definitions").
- 5.4. Disclosure can also be made to an appropriate authority where:
 - a. it is justified due to the urgency of the matter
 - b. there are other exceptional circumstances, or
 - c. if there has been no action or recommended action with 20 day working days after the disclosure was made.
- 5.5. The disclosure may be made in writing by letter or email, or by telephone, or in person and should contain:
 - a. the complainant's identity
 - b. the identity of the person involved in the wrongdoing
 - c. the nature of the wrongdoing

- d. background to the wrongdoing including dates and history of the issue
 - e. why the complainant believes the allegation of wrongdoing is true (relying on facts rather than speculation if possible)
 - f. any additional supporting information the complainant may have.
- 5.6. The complainant may make the disclosure direct to a Minister of the Crown or an Ombudsman if the complainant:
- a. has already made substantially the same disclosure in accordance with this policy; and
 - b. continues to believe the information is true, or likely to be true; and
 - c. believes on reasonable grounds that the person or Appropriate Authority to which the disclosure was made:
 - a. has decided not to investigate; or
 - b. has not made progress with the investigation within a reasonable time; or
 - c. has investigated but not taken any action or recommended any action.

6. Investigation

- 6.1. The person to whom the disclosure is made may either undertake an investigation of the alleged serious wrongdoing or appoint another person to undertake that investigation. The person who undertakes the investigation must be unbiased and impartial.
- 6.2. During the investigation, the identity of the complainant must be kept confidential if at all possible, unless the complainant has agreed to have his or her identity revealed, or this is essential for the purposes of the investigation, or to prevent serious risk to public health or safety, or to comply with the principles of natural justice.
- 6.3. Decisions may be made only when all the parties (involved or alleged to be involved in any serious wrongdoing) have been given an opportunity to be heard. They must be given reasonable notice of any interview; advised that they may be represented at the interview; and given a reasonable opportunity and period of time to respond to the allegation.
- 6.4. The person who investigates the allegation must produce a written report which sets out the nature of the allegation, any responses to it, any supporting evidence, and an assessment of the allegation with recommendations.

7. Protections

- 7.1. A complainant who suffers retaliatory action from an employer or former employer as a result of making a disclosure in terms of this policy and the Protected Disclosures Act may bring a personal grievance complaint under the Employment Relations Act 2000.
- 7.2. A complainant is immune from any civil or criminal proceedings as a result of a disclosure.
- 7.3. A complainant is protected from discrimination under the Human Rights Act 1993.
- 7.4. A complainant is not protected, however, if the information disclosed is protected by legal privilege.
- 7.5. A complainant is not protected who knowingly makes a false declaration or makes a disclosure in bad faith.

This Policy should be read in conjunction with:

- Protected Disclosures Act 2000
- Speak Up Policy
- Ethical Behaviour Policy

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